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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,456	03/26/2004	Cristopher Frost	H0006486-1170	9338

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,456	<b>Applicant(s)</b> FROST ET AL.	
	<b>Examiner</b> Aaron M. Dunwoody	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-39 is/are pending in the application.
- 4a) Of the above claim(s) 13,14 and 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-12,15,16,18-22,24-28,30,31 and 33 is/are rejected.
- 7) ☒ Claim(s) 6,17,23,29 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 2407745, Jacobson.

In regards to claim 1, Jacobson discloses a joint for connecting a duct to a port comprising:

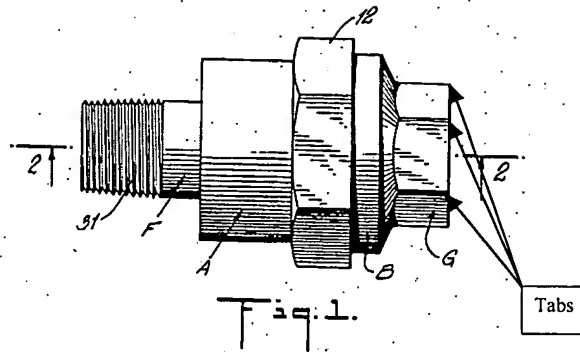
an annular flange (23), having a sealing flange disposed radially outward therefrom, the annular flange fixedly attached to the duct;

a female mating flange (A) , having female threads disposed internally thereon, the female mating flange fixedly attached to the port; and

an annular seat collar (B) having male threads disposed externally thereon; wherein the male threads are threadably attachable to the female threads; and

the annular seat collar having a surface contacting the sealing flange when the joint is assembled; and

a plurality of tabs (see Figure below) spaced around an outer annular surface of the annular seat collar.



In regards to claim 2, Jacobson discloses a bellows seal (C) sealingly positioned between the sealing flange and the female mating flange.

In regards to claim 7, Jacobson discloses the joint having a length of less than about 2.5 inches, and a diameter of less than about 1.1 inches greater than the diameter of the duct.

In regards to claim 8, Jacobson discloses the joint has a length of less than about 1.5 inches, and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 9, Jacobson discloses 9. The joint according to claim 1, further comprising: a protuberance on a distal end, relative to the pod, of the female mating flange; and a radial face axially positioning the annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint.

In regards to claim 10, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing for a user to threadably mate the annular seat collar with the female mating flange, thereby assembling the joint.

In regards to claim 11, Jacobson discloses the duct being attached to the annular flange with a weld.

Note, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the limitation of the duct being attached to the annular flange with a weld is given little patentable weight.

In regards to claim 12, Jacobson discloses the pod is attached to the female mating flange by either a weld or by forming the port integrally with the female mating flange.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 15, 16, 18-22, 24-28, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of US patent 3799586, Caras et al.

In regards to claims 3 and 15, Jacobson discloses a low profile tension style flexible joint comprising:

an annular flange, having a sealing flange disposed radially outward therefrom, the annular flange fixedly attached to the duct;

a female mating flange, having female threads disposed internally thereon, the female mating flange fixedly attached to the port;

an annular seat collar having male threads disposed externally thereon;

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a bellows seal sealingly positioned between the sealing flange and the female mating flange;

a plurality of tabs spaced around an outer annular surface of the annular seat collar;

wherein the male threads threadably attach the female threads; and

the annular seat collar has a spherical portion contacting the sealing flange when the joint is assembled. Jacobson does not disclose a locking ring disposed over at least a portion of a circumference of the female mating flange. Caras et al teach a locking ring (32) disposed over at least a portion of a circumference of the female mating flange (13) to prevent the joint from disassembling (col. 3, lines 42-47). As Caras et al relates to a duct joint, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a locking ring disposed over at least a portion of a circumference of the female mating flange to prevent the joint from disassembling, as taught by Caras et al.

In regards to claims 4 and 16, Caras et al disclose the locking ring being disposed in a channel in the female mating portion.

In regards to claims 18 and 30, Jacobson discloses the joint has a length of less than about 1.5 inches and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 19, Jacobson discloses a protuberance on a distal end, relative to the port, of the female mating flange; and a radial face axially positioning the

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annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint.

In regards to claim 20, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing a user to threadably mate the annular seat collar with the female mating flange, thereby forming the joint.

In regards to claim 21, Jacobson discloses the duct is attached to the annular flange with a weld; and the port is attached to the female mating flange by a weld or by forming the port integrally with the female mating flange.

In regards to claims 22, 31 and 33, Jacobson in view of Caras et al disclose a low profile tension style flexible joint comprising:

- an annular flange, having a sealing flange disposed radially outward therefrom, the annular flange fixedly attached to the duct;

- a female mating flange, having female threads disposed internally thereon, the female mating flange fixedly attached to the pod;

- a annular seat collar having male threads disposed externally thereon;

- a bellows seal sealingly positioned between the sealing flange and the female mating flange;

- a protuberance on a distal end, relative to the port, of the female mating flange;

- a radial face axially positioning the annular seat collar to contact the protuberance when the annular seat collar is threadably attached the port, thereby maintaining the working cavity length for the joint;

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a locking ring disposed in a channel over at least a portion of a circumference of the female mating flange; and

a plurality of tabs spaced around an outer annular surface of the annular seat collar;

wherein the male threads threadably attach to the female threads; the annular seat collar having a spherical portion contacting the sealing flange when the joint is assembled; and the joint has a length of less than about 1.5 inches and a diameter of about 1.0 inch greater than the diameter of the duct.

In regards to claim 24, Jacobson discloses a grip integrally formed with the annular seat collar, the grip allowing a user to threadably mate the annular seat collar with the female mating flange, thereby assembling the joint.

In regards to claim 25, Jacobson discloses the duct is attached to the annular flange with a weld; and the port is attached to the female mating flange by a weld or the female mating flange is integral with the port.

In regards to claims 26-28 and 30, Jacobson in view of Caras et al disclose the claimed invention except for the method of joining a duct to a port. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of joining a duct to a port, since under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. When the prior art device is the same as a device described in the



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specification, it can be assumed the device will inherently perform the same process. *In re King*, 802 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

### ***Allowable Subject Matter***

Claims 6, 17, 23, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments filed 10/11/2005 have been fully considered but they are not persuasive. Applicant argues Jacobson does not disclose a plurality of spaced around an outer annular surface of the annular seat collar. The Examiner disagrees. In the Figure above, Jacobson clearly illustrates a plurality of spaced around an outer annular surface of the annular seat collar. Therefore, Jacobson meets the claim limitation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Aaron M Dunwoody  
Primary Examiner  
Art Unit 3679

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